

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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K2M DESIGN, INC., :
 :
 Plaintiff, :
 : ORDER
 -v.- :
 : 22 Civ. 3069 (MKV) (GWG)
 SCHMIDT CONSULTING GROUP, INC., et al., :
 :
 Defendants. :
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

With regard to the motion for a default judgment as to defendant Peter K. Schmidt (Docket # 56), the request for attorneys' fees cannot be determined under Fed. R. Civ. P. 55(b)(1), as plaintiff asserts in Docket # 56 ¶ 16. See Zulkoski v. Greene, 2021 WL 9275612, at *3 (D. Vt. May 20, 2021), adopted in relevant part, 2021 WL 9275613 (D. Vt. June 23, 2021). Accordingly, plaintiff is directed to file a memorandum of law and sworn statement that addresses the basis for the attorneys' fees request. The memorandum of law shall make clear what case law (whether federal or state) governs the fee request and describe the legal principles that govern the request. The memorandum shall also explain why the total number of hours (which need to be calculated) are reasonable and why the hourly rates sought are reasonable.

The filings shall make clear whether the records of fees already provided (Docket # 56-3) were made contemporaneously with the work performed. The sworn statement shall also make clear whether the fees sought relate specifically to fees as to the effort to obtain a judgment against Peter K. Schmidt.

These filings shall be made on or before August 11, 2023.

Dated: July 28, 2023
New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge